

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ASSURED GUARANTY MUNICIPAL CORP.,
f/k/a FINANCIAL SECURITY ASSURANCE,
INC.

Plaintiff,

vs.

FLAGSTAR BANK, FSB; FLAGSTAR
CAPITAL MARKETS CORPORATION; and
FLAGSTAR ABS, LLC

Defendants.

Case No.: 11-CIV-2375 (JSR)

**DECLARATION OF DANIEL M. KUHN IN SUPPORT OF
FLAGSTAR BANK, FSB, FLAGSTAR CAPITAL MARKETS CORPORATION, AND
FLAGSTAR ABS, LLC's MOTION FOR SUMMARY JUDGMENT**

DANIEL M. KUHN declares:

1. I am an attorney admitted to the Bar of the State of New York and the Bar of this Court, and I am a member of the law firm of Arnold & Porter LLP, attorneys for defendants Flagstar Bank, FSB, Flagstar Capital Markets Corporation, and Flagstar ABS (collectively, "Flagstar"). I submit this declaration in support of defendants' reply to their motion for summary judgment.
2. Attached hereto as Exhibit A is a true and correct copy of excerpts of the Deposition of Joseph R. Mason, plaintiff's expert on damages, taken January 4, 2012.
3. Attached hereto as Exhibit B is a true and correct copy of excerpts of the Deposition of Matthew Roslin, a Flagstar employee, taken November 2, 2011.
4. Attached hereto as Exhibit C is a true and correct copy of excerpts of the Deposition of Vicki Beal, a Clayton employee, taken December 14, 2011.

5. Attached hereto as Exhibit D is a true and correct copy of excerpts of the Deposition of Ann Rutledge, Flagstar's expert witness, taken December 28, 2011. This exhibit is filed under seal pursuant to Protective Order.

6. Attached hereto as Exhibit E is a true and correct copy of excerpts of the Deposition of Rebecca Walzak, plaintiff's expert on origination, taken December 19, 2011. This exhibit is filed under seal pursuant to Protective Order.

7. Attached hereto as Exhibit F is a true and correct copy of the Deposition of George Stiehl, an Assured employee, taken November 17, 2011.

8. Attached hereto as Exhibit G is a true and correct copy of excerpts of the Deposition of Stanley Jursek, a Flagstar employee, taken October 28, 2011.

9. Attached hereto as Exhibit H is a true and correct copy of excerpts of the Deposition of Marni Scott, a Flagstar employee, taken October 27, 2011.

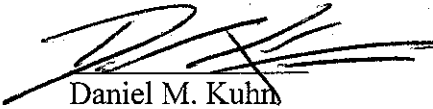
10. Attached hereto as Exhibit I is a true and correct copy of excerpts of the Deposition of Jean Garrick, a Flagstar employee, taken January 5, 2012. This exhibit is filed under seal pursuant to Protective Order.

11. Attached hereto as Exhibit J is a true and correct copy of Exhibit 1 to the Deposition of Jean Garrick, a Flagstar employee, taken January 5, 2012. This exhibit is filed under seal pursuant to Protective Order.

12. Attached hereto as Exhibit K is a true and correct copy of excerpts of the Deposition of Joan Anderson, Flagstar employee, taken November 22, 2011.

13. Attached hereto as Exhibit L is a true and correct copy of the Second Supplemental Report of Joseph R. Mason. This exhibit is filed under seal pursuant to Protective Order.

Dated: February 3, 2012



Daniel M. Kuhn